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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,970	11/20/2001	Andreas Prokoph	DE920000094US1/2265P	1657
29141	7590	08/09/2005	EXAMINER	
SAWYER LAW GROUP LLP P O BOX 51418 PALO ALTO, CA 94303			THAI, HANH B	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/989,970

Applicant(s)

PROKOPH, ANDREAS

Examiner

Hanh B. Thai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 4/12/05.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-10 and 12-23 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-10 and 12-23 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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This is in response to the amendment filed April 12, 2005.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-2, 4-10 and 12-23 April 12, 2005 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-2, 4-10 and 12-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claims 1, 9 and 17, There is no criteria for retrieving a document to be indexed and temporarily storing in a storage device and it is not clear how information is determined to be relevant or not.

Examiner applies art rejection at her best understood as below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-2, 4-10 and 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. (US Patent no. 6,631,369) in view of Nelson et al. (US Patent no. 6,243,713) and further in view of Matsubayashi et al. (US 6,473,754 B1).

Regarding claims 1 and 9, Meyerzon discloses a method for retrieving information using a search engine comprising the steps of:

retrieving a document to be indexed and temporarily storing the document in a storage device (see col.4, lines 43-54, Meyerzon);

determining whether relevant information is contained in the document (summary, Meyerzon);

generating a document extract corresponding to the document (see col. 4, lines 53-67, Meyerzon); and

storing the plurality of tokens in a search index, wherein the search engine accesses the search index to retrieve information in one or more document extracts satisfying a search query (see col. 7, lines 44-65 and col.8, lines 1-10, Meyerzon. The data type of information corresponding to the “token”).

Meyerzon, however, does not explicitly disclose extracting a portion of the document that characterizes the document’s subject content to form the document extract and decomposing the document extract. Nelson, on the other hand, discloses the retrieval system for retrieval of multimedia information including the extracting a portion of the document and decomposing the document into a plurality of tokens (see abstract of Nelson; col.5, line 52-col.6, line 65; col.7, lines 46-67 and col.9, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Meyerzon to include the claimed feature as taught by

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Nelson. The motivation of doing so would have been to improve the efficiency of incremental crawls that are used to manage document stores (see col. 3, lines 65-67, Meyerzon).

Meyerzon and Nelson combination does not disclose “replacing the document in the storage device with the document extract.” Matsubayashi discloses a method and system for extracting characteristic string and searching for relevant document including replacing the document in the storage device with the text extract (see summary and col.24, lines 19-25, Matsubayashi). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination system of Meyerzon and Nelson to include the claimed feature as taught by Matsubayashi. The motivation of doing so would have been to provide efficiency of searching for relevant document (col.5, lines 31-35, Matsubayashi).

Regarding claim 17, Meyerzon discloses a system for retrieving information, wherein the system includes a search engine comprising:

- means for retrieving a document from a document repository (see col.4, lines 43-54 and element 200, Fig.2 and corresponding text, Meyerzon);
- an information extractor coupled to the means for retrieving, wherein the information extractor determining whether relevant information is contained in the document (summary, Meyerzon), generates a document extract corresponding to the document (see col. 4, lines 53-67, Meyerzon). Each document is retrieved from the web site process and the data are extracted from each of these retrieved documents. Therefore, there must be an extractor for the extracting process;
- a storage device (100, Fig.2 and corresponding text, Meyerzon) coupled to the information extractor for storing the document extract;

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- a search engine indexer (300, Fig.2) coupled to the storage device; and
- a search index (400, Fig.2) coupled to the search engine indexer for storing the plurality of tokens, wherein the search engine accesses the search index to retrieve information in one or more document extracts satisfying a search query (see col. 7, lines 44-65 and col.8, lines 1-10; Fig.2 and corresponding text, Meyerzon).

Meyerzon, however, does not explicitly disclose the steps of extracting a portion of the document that characterizes the document's subject content to form the document extract and decomposing the document extract into a plurality of tokens. Nelson, on the other hand, discloses the retrieval system for retrieval of multimedia information including the decomposing the document into a plurality of tokens (see abstract of Nelson; col.5, line 52-col.6, line 65; col.7, lines 46-67 and col.9, lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Meyerzon to include the claimed feature as taught by Nelson. The motivation of doing so would have been to improve the efficiency of incremental crawls that are used to manage document stores (see col. 3, lines 65-67, Meyerzon).

Meyerzon and Nelson combination does not disclose "replacing the document in the storage device with the document extract." Matsubayashi discloses a method and system for extracting characteristic string and searching for relevant document including replacing the document in the storage device with the text extract (see summary and col.24, lines 19-25, Matsubayashi). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination system of Meyerzon and Nelson to include the claimed feature as taught by Matsubayashi. The motivation of doing so would have been to provide efficiency of searching for relevant document (col.5, lines 31-35, Matsubayashi).

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Regarding claims 2, 10 and 18, Meyerzon/Nelson combination further discloses the steps of (b1) extracting a portion of the document that characterizes the document's subject content to form the document extract; and (b2) recording positional information of the portion extracted within the document (see col. 6, lines 1-10, Nelson).

Regarding claims 4, 12 and 19, Meyerzon/Nelson/Matsubayashi combination further discloses the step of storing the recorded positional information with the plurality of tokens (see col.6, lines 1-34, Nelson).

Regarding claims 5 and 13, Meyerzon/Nelson/Matsubayashi combination further discloses the step of extracting from the document a collection of sentences that are characteristic of the document's subject content to form a document summary (see abstract, col.5, line 52-col.6, line 65; col.7, lines 46-67 and col.9, lines 60-65, Nelson).

Regarding claims 6, 14 and 20, Meyerzon/Nelson/Matsubayashi combination discloses the step of selecting from the document extract one of a whole sentence, a portion of a sentence, a word, and a feature. (see col.6, lines 16-34; col.7, lines 46-67 and col.9, lines 60-65, Nelson).

Regarding claims 7, 15 and 21, Meyerzon/Nelson/Matsubayashi combination further disclose the step of selecting tokens based on frequency of occurrence, word-salient-measure, proximity to the beginning of a paragraph, proximity the beginning of the document, and proximity to or position within a heading or a caption (abstract and Fig.5, Matsubayashi).

Regarding claims 8, 16 and 22, Meyerzon/Nelson/Matsubayashi combination further discloses that the document is a web-page in the Internet (see Fig.2, Meyerzon).

Regarding claim 23, Meyerzon/Nelson/Matsubayashi combination further discloses the means for retrieving the document is a web crawler (see abstract of Meyerzon).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Glickman et al. (US 4,358,824) disclose a storage and retrieval system.
2. Sumita et al. (US 5,907,841) disclose document detection system with improved document detection efficiency.
3. Nakao (US 6,205,456 B1) discloses summarization apparatus and method.
4. Abbruzzese et al. (US 5,557,515) disclose computerized system and method for work management.

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5. Bickmore et al. (US 6,857,102 B1) disclose document re-authoring systems and methods for providing device-independent access to the word wide web.
6. Glickman et al. (EP 0032194 A1) disclose method and system for automatically abstracting, storing and retrieving a document in machine readable form.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai
Examiner
Art Unit 2161

August 2, 2005


UYEN LE
PRIMARY EXAMINER